

United States Courts  
Southern District of Texas  
FILED

*August 19, 2022*

Nathan Ochsner, Clerk of Court

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**ANNA MARKS,**

**Defendant.**

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**Criminal No.**

**4:22-cr-407**

**INFORMATION**

The United States Attorney for the Southern District of Texas charges:

**General Allegations**

At all times material to this Information, unless otherwise specified:

1. The Medicaid Program (“Medicaid”) was a state-administered health insurance program funded by the United States Government and by the State of Texas. Medicaid helped pay for reasonable and necessary medical procedures and services provided by qualified health care professionals to individuals who were deemed eligible under state low-income programs. Medicaid was implemented in 1967 under the provisions of Title 19 of the Social Security Act of 1965.

2. Individuals receiving benefits under Medicaid were referred to as Medicaid “clients.” The Texas Health and Human Services Commission (“HHSC”) administered Medicaid in Texas. Medicaid was a “health care benefit program” as defined by Title 18, United States Code, Section 24(b).

3. In order participate in the Medicaid program, a provider must submit an application to the Texas Medicaid and Healthcare Partnership (“TMHP”). If the provider met certain qualifications, TMHP would approve the application, enter into a written contract with the provider, and issue a unique provider identification number to the provider. TMHP-enrolled providers could contract with MCOs to provide medical services to Medicaid clients. The

provider was then allowed to submit bills for services, known as “claims,” to Medicaid or MCOs for reimbursement for the cost of providing medically necessary services to Medicaid clients.

4. Medicaid covered comprehensive dental services for eligible Medicaid clients. Medicaid dental services are provided statewide through Medicaid managed care Dental Maintenance Organizations (“DMOs”). Each Medicaid managed care DMO contracts with general dentists, pediatric dentists, and dental specialists.

5. DentaQuest and Managed Care of North America Dental (“MCNA”) are DMOs in the State of Texas.

6. Leon Xavier Foreman Dental, PLLC DBA Floss Family Dental Care (“Floss”) was a dental clinic located at 3300 S Gessner Rd, Ste 165, Houston, TX 77063, 6121 Hillcroft Ave., Suite W, Houston, TX 77081, and 6929 Jensen, Houston, TX 77093.

7. Operator 1 managed and oversaw Floss’s operations.

**COUNT 1**  
**Conspiracy to Defraud the United States and to**  
**Pay and Receive Health Care Kickbacks**  
**18 U.S.C. § 371**

8. Paragraphs 1 through 7 of this Information are realleged and incorporated by reference as if fully set forth herein.

9. From in and around November 2019 through in or around February 2021, the exact dates being unknown, in the Houston Division of the Southern District of Texas, and elsewhere, the Defendant,

**ANNA MARKS**

did knowingly and willfully combine, conspire, confederate and agree with her coconspirators, known and unknown, to commit certain offenses against the United States, that is,

a. to defraud the United States by impairing, impeding, obstructing and defeating through deceitful and dishonest means, the lawful government functions of the

United States Department of Health and Human Services in its administration and oversight of the Medicaid program; and to commit certain offenses against the United States, that is:

b. to violate Title 42, United States Code, Section 1320a-7b(b)(1), by knowingly and willfully soliciting and receiving remuneration, specifically, kickbacks and bribes, directly and indirectly, overtly and covertly, in return for referring individuals to a person for the furnishing and arranging for the furnishing of any item and service for which payment may be made in whole or in part by Medicaid; and for the purchasing, leasing, ordering and arranging for and recommending the purchasing, leasing and ordering of any good, item and service for which payment may be made in whole and in part by a Federal health care program, that is, Medicaid; and

c. to violate Title 42, United States Code, Section 1320a-7b(b)(2), by knowingly and willfully offering and paying remuneration, specifically kickbacks and bribes, directly and indirectly, overtly and covertly, in cash and in kind to any person to induce such person to refer an individual to a person for the furnishing and arranging for the furnishing of any item and service for which payment may be made in whole or in part under a Federal health care program, that is, Medicaid; and for the purchasing, leasing, ordering, and arranging for and recommending the purchasing, leasing, and ordering of any good, facility, service, and item for which payment may be made in whole and in part under a Federal health care program, that is, Medicaid.

#### **Purpose of the Conspiracy**

10. It was a purpose of the conspiracy for the Defendant **ANNA MARKS**, Operator 1, and other co-conspirators to unlawfully enrich themselves by paying and receiving

kickbacks and bribes in exchange for the referral of Medicaid recipients for whom Floss submitted claims to Medicaid.

### **Manner and Means of the Conspiracy**

The manner and means by which the Defendant **ANNA MARKS**, Operator 1, and her co-conspirators sought to accomplish the purpose and objects of the conspiracy included, among other things, the following:

11. Operator 1 maintained a Medicaid provider number for Floss that Operator 1 used to submit and caused to be submitted claims to Medicaid for dental services.

12. Operator 1 oversaw the day-to-day operations at Floss.

13. Operator 1 and other co-conspirators, known and unknown, agreed to pay **ANNA MARKS** via cash or an electronic payment application in exchange for referring Medicaid recipients to Floss for dental services.

14. Defendant **ANNA MARKS** received the payment of kickbacks from Operator 1 and other co-conspirators, known and unknown, in exchange for **ANNA MARKS** referring Medicaid recipients to Floss for dental services.

15. From in and around November 2019 through in and around February 2021, Operator 1 paid **ANNA MARKS** approximately \$16,706.00 in kickbacks in exchange for referring Medicaid recipients to Floss for dental services.

All in violation of Title 18, United States Code, Section 371.

### **Overt Acts**

16. In furtherance of the conspiracy, and to accomplish its objects and purposes, the conspirators committed and caused to be committed, in the Houston Division of the Southern District of Texas, the following overt acts:

a. On or about November 14, 2019, Operator 1 paid or caused the payment of approximately \$1,380 to Defendant **ANNA MARKS** in exchange for referral of Medicaid recipients to Floss for dental services.

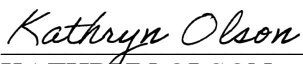
b. On or about November 19, 2019, Operator 1 paid or caused the payment of approximately \$630 to Defendant **ANNA MARKS** in exchange for referral of Medicaid recipients to Floss for dental services.

c. On or about June 30, 2020, Operator 1 paid or caused the payment of approximately \$540 to Defendant **ANNA MARKS** in exchange for referral of Medicaid recipients to Floss for dental services.

d. On or about August 24, 2020, Operator 1 paid or caused the payment of approximately \$440 to Defendant **ANNA MARKS** in exchange for referral of Medicaid recipients to Floss for dental services.

All in violation of Title 18, United States Code, Section 371.

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